

REMARKS

Claims 1-7 are pending.

In the present Amendment, claim 1 has been amended to recite that the hydrophilic polymer is added as an aqueous solution after the polymerization of the polymer. Support for the amendment is found, for example, in the paragraph bridging pages 29-30 of the present specification.

No new matter has been added, and entry of the Amendment is respectfully requested.

As an initial matter, Applicants thank the Examiner for indicating in the “note” section of the Advisory Action dated July 20, 2007, that claim 5 would be allowable if rewritten in independent form. However, for the reasons discussed in the Response Under 37 C.F.R. § 116 filed July 13, 2007, and further to the reasons discussed below, Applicants believe that claim 5 should be allowed as it currently stands.

Referring to Section No. 2 at page 2 of the final Office Action, claims 1-4 and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,571,617 (“Cooprider”). Referring to Section No. 3 at page 3 of the final Office Action, claims 5 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cooprider.

Further to the Response Under 37 C.F.R. § 116 filed July 13, 2007, which Applicants have requested be entered and considered with the filing of the instant RCE, Applicants traverse the rejections and respectfully request the Examiner to reconsider in view of the amendment to the claims herein and the following additional remarks.

In the response filed July 13, 2007, Applicants presented the Declaration of Mr. Yutaka Tosaki (the “Declaration”) to demonstrate that the content of the sulfur-atom containing anionic emulsifier (B) in a surface portion of Cooprider’s PSA layer *does not* fall within the range of 0.1 to 3 parts by weight recited by claim 1. In view of the evidence presented therein, Applicants submit that the disclosure of Cooprider cannot be said to inherently (i.e., necessarily) teach a PSA within the scope of claim 1. Accordingly, the evidence presented in the Declaration supports Applicants’ position that Cooprider fails to disclose or suggest the PSA tape or sheet of claim 1.

The Examiner was not persuaded. Applicants address some of the Examiner’s concerns set forth in the Advisory Action dated July 20, 2007, as follows.

With regard to the Examiner’s concern that Mr. Tosaki failed to accurately reproduce Example 8 of Cooprider by not employing the same grade of polyacrylic acid, Applicants submit that since the same grade (molecular weight: 190,000) of polyacrylic acid was difficult to obtain, the experimentation was conducted by employing two grades of polyacrylic acid, one having a molecular weight (molecular weight: 150,000) slightly lower than the molecular weight of 190,000 and one having a molecular weight (molecular weight: 250,000) slightly higher than the molecular weight of 190,000. As is clear from the results of the experimentation, the constitution as claimed in claim 1 of the present application cannot be obtained therefrom, that is, “in a surface portion of the pressure-sensitive adhesive layer within the range of up to 3 nm inward from the outer face of the pressure-sensitive adhesive layer, an anionic emulsifier

containing a sulfur atom is contained in a proportion of from 0.1 to 3 parts by weight based on 100 parts by weight of the whole of the monomer components constituting the acrylic polymer."

In the case of the PSA disclosed in Cooprider, the anionic emulsifier exists in from 8.7 to 11.1 parts by weight. Because it has been shown that the emulsifier existed at the ratio of 11.1 parts by weight when a polyacrylic acid having a molecular weight of 150,000 is used, and the emulsifier existed at the ratio of 8.7 parts by weight when a polyacrylic acid having a molecular weight of 250,000 is used, if a polyacrylic acid having a molecular weight of 190,000 was used the amount of the emulsifier in the surface portion would exist within the range of from 8.7 to 11.1 parts by weight. Accordingly, the Declaration evidence clearly shows the difference between the present claimed subject matter and the disclosure of Cooprider.

As evidence, Applicants are submitting herewith the Supplemental Declaration of co-inventor Yutaka Tosaki (the "Supplemental Declaration"). Therein, Mr. Tosaki states that the other Examples in Cooprider (that is, other than Example 8 presented in the Declaration) would be expected by one of ordinary skill in the art to have an amount of the sulfur atom-containing anionic emulsifier in the surface portion of the PSA layer that is either the same as in Example 8 or further outside the present claim scope than Example 8. Mr. Tosaki also states that because the emulsifier was the emulsifier used in Cooprider, and the polyacrylic acids were those extremely similar to those within the scope of Cooprider, the polymerization formulation was faithfully reproduced and the experimentation was appropriate (that is, the reproduction in the Declaration would be considered by one of ordinary skill in the art to be an accurate reproduction of Example 8). Therefore, the amount of sulfur atom-containing anionic emulsifier in the surface

portion of the PSA layer of Example 8 would fall between 8.7 and 11.7, which is outside the recited range of 0.1-3.

With regard to the Examiner's concern that the present claims fail to recite the timing of the addition of the hydrophilic polymer, i.e., during or after polymerization, independent claim 1 has been amended herein to recite that the hydrophilic polymer is added as an aqueous solution after the polymerization of the acrylic polymer.

As noted in the last full paragraph on page 2 of the Declaration, one of the significant differences between the present application and Cooprider is whether the hydrophilic polymer is added during or after polymerization. The PSA of Cooprider cannot meet the recited amount of anionic emulsifier containing a sulfur atom in the surface portion of the PSA layer because Cooprider adds the hydrophilic polymer before polymerization.

As further evidence of this point, Applicants again respectfully direct the Examiner's attention to the Supplemental Declaration. Therein, Mr. Tosaki asserts that Cooprider discloses that the hydrophilic polymer adheres to the particle surface when added before the polymerization. In contrast, in the presently recited PSA tapes or sheets the hydrophilic polymer is added after the polymerization and, therefore, the hydrophilic polymer is dispersed in a lump state (*i.e.*, in a state not adhering to the particle surface) in the PSA after the PSA composition is applied and dried. Accordingly, the dispersed lump state causes excellent initial adhesion to the dewing surface or wet surface, which is the effect of the present tapes or sheets.

Reconsideration and withdrawal of the §103 rejection of claims 1-7 based on Cooprider is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/701,496

Attorney Docket No.: Q78309

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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